

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIFFANY CURTIS, on behalf of herself and
all persons similarly situated,

No. C 13-00319 WHA

Plaintiff,

v.

**ORDER RE OBJECTION
TO FILING UNDER SEAL**

EXTRA SPACE STORAGE, INC., a
Maryland corporation, EXTRA SPACE
MANAGEMENT, INC., a Utah corporation,
and DOES 1 through 100, inclusive,

Defendants.

On August 15, 2013, the undersigned judge held that defendants must turn over to plaintiff the names and contact information of 1,000 potential class members (Dkt. No. 57). A subsequent order denied plaintiff's motion for class certification (Dkt. No. 109).

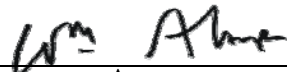
On December 2, defendants filed a letter brief alleging that plaintiff's counsel, Jeffery Wilens, had used the contact information obtained from defendants to solicit new clients (Dkt. No. 114). On December 3, the undersigned judge ordered the parties to attend a meet-and-confer concerning the foregoing dispute.

On December 6, both parties stipulated that plaintiff would return to defendants all documents containing the information produced pursuant to the August 15 order. Plaintiff's counsel was to cease and desist from using the contact information obtained from defendants. The stipulation did not apply to the thirty individuals on whose behalf plaintiff and her counsel had already filed a motion to intervene. Defendants reserved the right to challenge plaintiff

1 counsel's use of the contact information in connection with the thirty putative interveners. The
2 stipulation also called for *in camera* review of plaintiff counsel's correspondence with the
3 putative interveners, however, the undersigned judge instead ordered plaintiff's counsel to
4 tentatively file them under seal (Dkt. No. 118). In response, plaintiff's counsel filed these
5 exemplars under seal and they were reviewed by the undersigned judge (Dkt. No. 121).

6 Defendants now argue that they should be entitled to review the unredacted
7 communications between plaintiff's counsel and the prospective interveners (Dkt. No. 126).
8 Without deciding whether there is any privilege to these documents, defendants' request is
9 **Denied**. Defendants already agreed to *in camera* review of the documents. In addition, the
10 undersigned judge has reviewed the documents and found there to be no untoward conduct.
11 Accordingly, the documents filed by plaintiff's counsel will remain under seal.

12
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14 Dated: December 19, 2013



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE